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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/683,635 | 01/29/2002 | Mathew Sommers | GLO 2 0079 | 4172 |

27885 7590 03/27/2003

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
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CLEVELAND, OH 44114

EXAMINER

LEE, GUIYOUNG

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2875

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,635

Applicant(s)

SOMMERS, MATHEW

Examiner

Guiyoung Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 9, and 11-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Marcus (USPT 6,074,074).

Re claims 1, 9, 11, 14, 16, and 19: Marcus teaches a border lighting strip having an electrical cable including a plurality of electrical conductors (13 in Fig. 4); a plurality of LEDs (4) connected to the electrical cable; and a sheath (7 in Fig. 2) at least partially made from a light transmissive material having a hollow region (8) adapted to receive the LEDs, and integrally formed cylindrical lens

Re claims 2-3, 12-13, and 21: Marcus teaches that the sheath having an extruded length of a wave guiding material having high refractive index (col. 3, lines 7-10).

Re claim 4: Marcus discloses that a plurality of LEDs is arranged parallel to the cable such that they face the same direction (See Fig. 2).

Re claims 5 and 7: Marcus teaches that the cylindrical lens is arranged parallel to the cable such that the plurality of LEDs and sockets face the cylindrical lens (4 and 8 in Fig. 2).

Re claim 15: Marcus teaches that the sheath is flexible (col. 2, lines 33-34).

Re claims 17-18 : Marcus teaches an integral optical element (col. 2, lines 19-22).

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Re claim 20: Marcus discloses at least one mount that attaches the light emitting elements to the cord (10 in Fig. 4).

Re claim 22: Marcus teaches that a colored plastic material can be used (col. 7, lines 6-10).

Re claims 23-26: Marcus teaches a method for manufacturing a lighting strip (col. 6, lines 1-63).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcus as applied to claim 1 above, and further in view of Brookman (USPT 5,337,225). The teachings of Marcus have been discussed above.

Re claims 6 and 8: Marcus does not disclose a lead frame and crimps. However, Brookman discloses a lead frame and crimps (26 in Fig. 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ Brookman's lead wire into Marcus' LED elements in order to provide electrical connection between LED and electrical conductor.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marcus as applied to claim 1 above, and further in view of Vadseth (USPT 5,815,068). The teachings of Marcus have been discussed above.

Re claim 10: Marcus is silent with regard to a color of the light emitting diodes. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Marcus's LEDs with phosphide-based red light emitting diodes since it was known in the art that light emitting diodes provide colored light and Vadseth teaches it.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Guiyoung Lee** whose telephone number is **(703) 308-8567**. The examiner can normally be reached between the hours of 8:00 AM to 3:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for this Group is (703)872-9318 (before final rejection), (703)872-9319 (after final rejection). The Right Fax phone number for the examiner is (703)746-4766.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**Guiyoung.lee@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35

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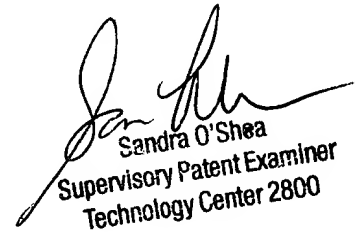
U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

GYL

GAU2875

March/19/2003


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800